

**Notice of Allowability**

Application No.

10/771,857

Examiner

Hugh B. Thompson II

Applicant(s)

LAYMANCE, RAYMOND N.

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3634

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Telephone Interview of 7-5-05.
2. ☒ The allowed claim(s) is/are 1-6, 10-12, 15-18, 21 and 22.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                              |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                     | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>7-5-05</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                      |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                     |
|   | 9. <input type="checkbox"/> Other _____  |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Raymond Laymance on July 5, 2005.

The application has been amended as follows:

Claims **7, 8, 9, 13, 14, 19, and 20** have been cancelled.

Claim 1, line 7, after "rails," --said support bracket carrying a pivot mechanism to which said side rails are pivotably mounted,-- has been inserted.

Claim 1, line 11, "the lower" has been changed to -- a lower--.

Claim 1, line 20, after "water", --, wherein said stop component includes an elongate stop member carried by said support bracket and extending generally parallel to said pivot shaft-- has been inserted.

Claim 10, line 1, "9" has been changed to -1--.

Claim 11, line 1, "7" has been changed to -1--.

New claim 21 has been added:

--21. A marine safety ladder apparatus for use in combination with a platform structure located adjacent to and normally above a body of water, said ladder apparatus comprising:

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a support bracket for attaching to the platform structure;

a ladder including a pair of elongate side rails pivotably mounted to said support bracket proximate respective ends of said rails and a series of transverse steps extending between and interconnecting said side rails, said support bracket carrying a pivot mechanism to which said side rails are pivotably mounted, said pivot mechanism including an elongate pivot shaft to which said side rails are mounted, said side rails including aligned slots for interengaging said pivot shaft, and said ladder being pivotable through the water between raised and lowered conditions and further being buoyant within the water such that the ladder floats on the upper surface of the water when the water is above a threshold level and less than a predetermined external downward force is applied to a lower portion of the ladder;

said lower portion of said ladder pivoting downwardly into the lowered condition in response to at least one of the water level dropping to or below the threshold level and said predetermined external downward force being applied thereto, whereby at least a portion of said ladder is submerged when the water level is above the threshold level and the predetermined external force is applied thereto; and

a stop component attached to said support bracket for limiting downward pivoting movement of said ladder into the lowered condition such that said ladder extends at a non-vertical angle relative to the upper surface of the water.—

New claim 22 has been added:

--22. A marine safety ladder apparatus for use in combination with a platform structure located adjacent to and normally above a body of water, said ladder apparatus comprising:

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a support bracket for attaching to the platform structure;

a ladder including a pair of elongate side rails pivotably mounted to said support bracket proximate respective ends of said rails and a series of transverse steps extending between and interconnecting said side rails, said ladder being pivotable through the water between raised and lowered conditions and further being buoyant within the water such that the ladder floats on the upper surface of the water when the water is above a threshold level and less than a predetermined external downward force is applied to a lower portion of the ladder;

said lower portion of said ladder pivoting downwardly into the lowered condition in response to at least one of the water level dropping to or below the threshold level and said predetermined external downward force being applied thereto, whereby at least a portion of said ladder is submerged when the water level is above the threshold level and the predetermined external force is applied thereto; and

a stop component attached to said support bracket for limiting downward pivoting movement of said ladder into the lowered condition such that said ladder extends at a non-vertical angle relative to the upper surface of the water, wherein said stop component is interengagable by respective lower edges of said side rails to limit lowering of said ladder.—

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The following is an examiner's statement of reasons for allowance: for claim 1 (original claims 1,7,9), it is the inclusion of the stop component including an elongate stop member carried by the support bracket and extending generally parallel to said pivot shaft; for claim 21 (original claims 1,7,8,13), it is the inclusion of the side rails including aligned slots for interengaging the pivot shaft; and for claim 22 (original claims 1, 14), it is the inclusion of the stop component being interengagable by respective lower edges of the side rails to limit lowering of the ladder. The prior art of record fails to teach or suggest the claimed features absent the applicant's own disclosure.

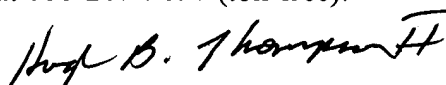
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II  
Primary Examiner  
Art Unit 3634

July 6, 2005